

Green Area - Hamlet and Rural Area Land Policy

Ministerial Order #461/85

IMPROVEMENT DISTRICTS ACT
being Chapter I-1, R.S.A. 1980

and the

MUNICIPAL GOVERNMENT ACT
being Chapter M-26, R.S.A. 1980

and the

Green Area - Hamlet and
Rural Area Land Policy

I, JULIAN G.J. KOZIAK, Minister of Municipal Affairs, by virtue of the authority vested in me pursuant to the provisions of Section 16 of the Improvement Districts Act and Section 127 of the Municipal Government Act, do hereby order that;

1. Lands located in the improvement districts and acquired for carrying out the Green Area - Hamlet and Rural Land Policy shall be administered in accordance with the attached appendix.
2. This Order shall come into effect on the date of signing.



Julian G.J. Koziak
Minister of Municipal Affairs

Dated at Edmonton, in the
Province of Alberta, this 4th day of
November A.D. 1985.

APPENDIX TO MINISTERIAL ORDER 1461/85

GREEN AREA - HAMLET AND RURAL AREA LAND POLICY

Definitions

1. In this Ministerial Order
"Advisory Council" means those persons appointed under section 14(1) of the **Improvement Districts Act**.
"Applicant" means an individual, individuals, or corporation who files an application form for a (a) lease, (b) lease with option to purchase, or (c) purchase, as provided for under this Ministerial Order.
"Canadian Corporation" means the same as that defined under the **Public Lands Act**.
"Lease" means a lease granted pursuant to this Ministerial Order unless otherwise specified.
"Minister" means the Minister of Municipal Affairs.

Eligibility

2. A Canadian Citizen or landed immigrant, 18 years of age or older, or a Canadian Corporation may apply to (a) lease, (b) lease with option to purchase, (c) purchase, (d) assign, (e) sublease, or (f) encumber, a parcel of land in accordance with this Ministerial Order.

*Lease-purposes,
term, renewals, rent,
and taxation*

3. (1) A lease in a form acceptable to the Minister may be granted for residential, commercial, industrial, recreational, institutional, agricultural, or public purposes.
(2) No lease shall be granted for a term greater than five (5) years except in those cases under sections 14) and 15) of this Ministerial Order.
(3) A renewal of a lease may be granted for a further term of up to five (5) years.
(4) Every lease shall be subject to the payment of a cash rental fee payable either annually or biannually in advance in such amount as prescribed by the Minister.
(5) The interest of a lessee will be subject to assessment and taxation in accordance with the **Municipal Taxation Act**.

Land Purchase

4. (1) A lot created under a subdivision plan registered under the **Land Titles Act** may be purchased, provided that
(a) any and all taxes, rates, fees, and outgoings whatsoever with respect to the lot have been paid in full, and
(b) the lot has been developed for its approved use to an extent and in a manner approved by the Minister.
(2) Where the Minister enters into a Purchase Contract under subsection (1), the full lot purchase price shall be received by the Minister or held in trust prior to the conveyance of Title.

*Lease with Option
to Purchase*

5. (1) A lease on a lot created under a subdivision plan registered under the **Land Titles Act** and approved for purposes other than agriculture, may contain an option to purchase the land and obtain title.
(2) An option given under subsection (1) shall provide that
(a) in the event the option is exercised within five (5) years of the date of the lease, the purchase price shall be the one specified by the Minister in the lease, or
(b) in the event the option is exercised after the initial five (5) years of the date of the lease, the purchase price shall be a value as determined by the Minister at the time of sale.
(3) For an option under subsection (1) to be exercised, the lessee shall demonstrate to the satisfaction of the Minister that he/she/they have
(a) paid all taxes, rates and outgoings whatsoever payable with respect to the leased land,
(b) paid all lease fees,
(c) fulfilled, in the opinion of the Minister, all conditions and agreements in the lease, and all obligations imposed or implied under this Ministerial Order,
(d) developed the leased land for its approved use to an extent and in a manner approved by the Minister, and
(e) paid the full lot purchase price in accordance with subsection (2).
(4) A lease with an option to purchase may be renewed at the sole discretion of the Minister and with consideration to the Advisory Council's recommendation, once beyond the original lease term for a period of up to five (5) years.

- (5) Where the requirements of an option to purchase are met, and the option is exercised within the original term of the lease or the term of renewal as provided for under subsection (4), one hundred per cent (100%) of the accumulated rental fee shall be credited to the purchase price. The lease rental fee includes only the lease fee and does not in any way include taxes, or other rates and outgoings with respect to the lease.
- (6) In the event a lease with option to purchase is assigned, pursuant to section 8), subsection (5) above shall apply to the assignee effective from the initial date of the lease.
- (7) In the event a lease with option to purchase is terminated by either the lessee or the lessor, or renewal is refused, all payments made with respect to the lease are forfeited and the lessee shall not be entitled to any other compensation with respect to the lease.

*Purchase
Price*

- 6. (1) The Minister shall establish a lot purchase price.
- (2) The purchase price shall be set prior to the sale of lots and such price shall have due regard to
 - (a) local economic conditions,
 - (b) the location and size of lot,
 - (c) municipal services provided, and
 - (d) in the case of commercial and industrial lots, local economic, employment, and community service benefits that may be derived from the development or proposed development.

*Application
for Land*

- 7. (1) Every application for (a) lease, (b) lease with option to purchase, (c) purchase, (d) assignment, (e) sublease, or (f) easement, shall be made separately on a form approved by the Minister and shall be sent to the office of the Improvement District in which the land is located.
- (2) Every application under subsection (1) shall
 - (a) be accompanied by a non-refundable application fee of \$10.00,
 - (b) state the legal description of the land and the legal access thereto, and
 - (c) state the specific purpose for which the land is to be used.

*Assignment/
Sub-lease*

- 8. (1) A lease may be assigned or sub-leased with the consent of the Minister.
- (2) Approval for assignment or sub-lease under subsection (1) above shall not be granted until all fees and taxes with respect to the land are paid in full.

*Purchase in Cases
of Mortgage*

- 9. (1) Notwithstanding sections 5) (3) (d) and 4) (1) (b), where an applicant requires title to obtain a mortgage for purposes of constructing an approved development, the Minister upon receiving written confirmation from a financial institution that a mortgage will be granted upon receipt of title, may enter into a Purchase Contract with the applicant.
- (2) Where the Minister has entered into a Purchase Contract under subsection (1), monies equalling the lot purchase price shall be received by the Minister or held in trust prior to the conveyance of title.

*Agricultural
Lease*

- 10. (1) Where a lease or license issued under the **Public Lands Act** for agricultural purposes existed prior to the coming into force of this Ministerial Order, an agricultural lease may be issued for up to five (5) years.
- (2) A lessee granted a lease under subsection (1) above shall
 - (a) not construct barns, shelters, corrals or other improvements, except perimeter fences, without the written consent of the Minister,
 - (b) contain livestock within the boundaries of the leased land in a manner satisfactory to the Minister, and
 - (c) limit livestock grazed on the leased land to a number prescribed by the Minister.

*Lease
Cancellation*

- 11. (1) The Minister may cancel a lease if he is requested in writing by the lessee to do so.
- (2) The Minister may cancel a lease if he is satisfied that
 - (a) the leased land is not being used for the purpose for which it is leased,
 - (b) the lease was issued in error,
 - (c) the lease or the land described in it is not held by the lessee for his sole use and benefit,
 - (d) the lessee was ineligible to apply for or acquire the lease or is ineligible to hold it,
 - (e) the lessee has failed to pay lease fees, or any taxes, rates or outgoings lawfully levied against his interest under the lease or any other money payable under the lease when it is due,
 - (f) the lessee failed to comply with the terms and conditions of the lease.

- (3) At the end of a term of a lease where application for renewal has not been made or renewal has been refused, or on earlier lease cancellation either by the Minister under subsection (2), or by the lessee, the lessee shall yield up to the Minister the leased land.
- (4) The lessee shall within sixty (60) days of the lease cancellation or expiry, remove all buildings and improvements from the leased land at his/her/their own expense, and restore the leased land to a clean and orderly state satisfactory to the Minister.
- (5) If the lessee elects not to remove all buildings and improvements or restore the land to a clean and orderly state in the time specified above, all buildings and improvements shall become the sole property of the Minister and the Minister may at his sole discretion sell the lease, including the buildings and improvements, or sell the buildings and improvements separately from the land or make compensation for buildings and improvements in a manner determined by him, and compensation may be paid to the lessee at a value determined by the Minister for those improvements not financed by government grants, after deducting any unpaid taxes, fees or encumbrances on the lease, and costs incurred by the Minister in restoring the leased land to a clean and orderly state.
- Withdrawal of Land from Lease*
12. (1) Where a lease is issued under this Ministerial Order, the Minister may at any time during the term of a lease on giving the lessee sixty (60) days written notice, withdraw any portion of the leased land that may be required for any purpose as deemed necessary by the Minister.
- (2) Subject to subsection (3), the lessee shall be entitled to a reduction of lease fees in proportion to the reduction of area of land withdrawn under subsection (1).
- (3) Where a lease is cancelled or land is withdrawn from a lease under subsection (1), the lessee may remove fixed improvements or receive compensation for them, and
- (a) in the case of a lease with option to purchase, compensation may be granted for the lessee's interest in the land, or
- (b) in the case of a lease with no option to purchase, the lessee shall not receive any other compensation with respect to the withdrawal, and such compensation shall be in an amount agreed between the lessee and the Minister, and failing such agreement upon the expiration of 60 days from the date the lease was cancelled or land was withdrawn from the lease, the lessee or the Minister may apply to the Land Compensation Board established under the Expropriation Act to determine the amount of compensation.
- Leases prior to this Order*
13. Notwithstanding other provisions of this Order, where a lease or license issued under the **Public Lands Act** is valid immediately prior to the coming into force of this Order, the terms and conditions of that lease may remain in effect for the term of that lease.
- Lease to an Association or Group*
14. (1) Notwithstanding other provisions of this order, except those provisions contained in clauses 11) and 12), at the sole discretion of the Minister, a lease may be issued to an association or group for the purpose of providing to its members land for purposes approved under the terms of the lease.
- (2) A lease issued under subsection (1) shall have such terms, conditions, and rent as determined by the Minister, but in any case, the term of the lease may not be greater than twenty-five (25) years.
- Land for Public or Government Use*
15. Notwithstanding other provisions of this Order, land may be transferred for public or government use under such terms and conditions as may be determined by the Minister.
- Advisory Council*
16. (1) The Minister may seek the advice of the Advisory Council on any matter related to this Ministerial Order.
- (2) The Advisory Council may from time to time establish local committees for the purpose of local consultation.
- Planning Act*
17. This Ministerial Order shall be administered in compliance with the **Planning Act** and any applicable Land Use Orders.